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10/752,284	01/05/2004	Yeung Kai Wah Mason	260-003	3411

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT PAPER NUMBER

3637

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/752,284	Applicant(s) MASON, YEUNG KAI WAH	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 18 February 2006. It is noted that Applicant elected claims 16-34, however, claim 16 is clearly directed to the nonelected species (with limitations for separate frame members, a vertical position for the surface, etc.) and is accordingly withdrawn from consideration by the examiner.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hinged mechanism capable of rotating 360 degrees of claim 20, the gameboard design on the frame and upper surface of claims 24 and 25, additional support members of claim 27, and the support members hingedly attached to the frame of claim 28 must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 20, 22-24, 26, 27, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 20 recites the limitation "said hinged mechanism rotates 360 degrees." While it is clear that the hinged mechanism by itself may perform this function, it is not clear how the limitation would be met when the hinged mechanism is attached to the first and second surfaces as required by claim 17 because of the interference that would seemingly be present between the first and second surfaces.

7. Claim 22 recites the limitation "said at least two support members" beginning on the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 23 recites the limitation "said top end" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 24 recites the limitation "said top end" in the first line of the claim and "the tray" in the second line of the claim. There is insufficient antecedent basis for these limitations in the claim.

10. Claim 26 recites the limitation "said bottom end" in the second line of the claim. It is unclear if this is a reference to the bottom ends of the cross members or is a new and

separate limitation. Claim 26 further recites the limitation "each said member" in line two of the claim. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 27 recites "at least one additional support members" beginning on the first line of the claim. The term "members" is unclear because it suggests multiple elements when only one has been positively recited. Claim 27 further recites the limitation "each said additional support" in line two of the claim. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 31 recites the limitation "each said... storage tray" beginning in line three of the claim. This is unclear because it suggests multiple trays when only one has been positively recited.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 17, 21, 22, 26, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Monneret (US Patent Number D330573). Monneret (Figures 1 and 2) discloses a desk comprising an upper surface (viewed as A and B in Exhibit 1), wherein said upper surface is further comprised of a first surface (A) made of a first material and having a first edge, a second edge, a third edge and a fourth edge, a second surface (B) made of a second material (the first and second materials are not specifically

disclosed, and may or may not be the same material) and having a first edge, a second edge, a third edge and a fourth edge, wherein said first edge of first surface being attached to said first edge of said second surface by a hinged mechanism (C); a frame (D) comprised of a rectangular surface having a substantially rectangular concentric hole (E), top, bottom, a first inner edge, first outer edge, second inner edge, second outer edge, third inner edge, third outer edge, fourth inner edge and fourth outer edge; four support members (F), wherein each said support member has a first and a second end and each said first end of each said member is in contact with the ground and each said second end of each said member is in contact with said frame; and at least two cross members (rails under unhinged edges of surfaces seen in Figure 1, G), each of said members having a first end, a second end, an inner surface, a top end and a bottom end, wherein each said first end and each said second end of each said cross member is connected to said bottom of said frame and capable of supporting the weight of said upper surface.

15. Regarding claim 21, Monneret further discloses said at least two cross members are positioned substantially parallel with each other and with said second inner edge.

16. Regarding claim 22, Monneret further discloses said support members connect to said bottom of said frame near the intersection of two connecting inner edges of said frame.

17. Regarding claim 26, Monneret further discloses a lower surface (H) attached to the bottom end of each cross member to provide a storage compartment contained within said frame and covered by said upper surface.

18. Regarding claims 32 and 33, Monneret further discloses said four support members are connected perpendicularly to said frame (and accordingly at an angle between 90 and 145 degrees).

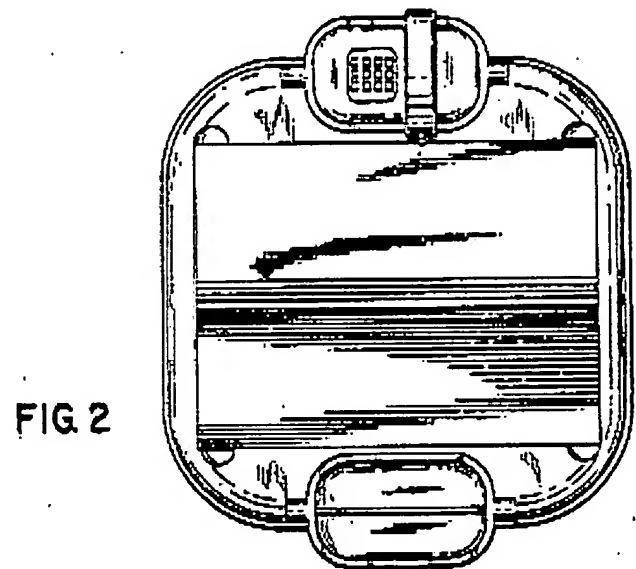
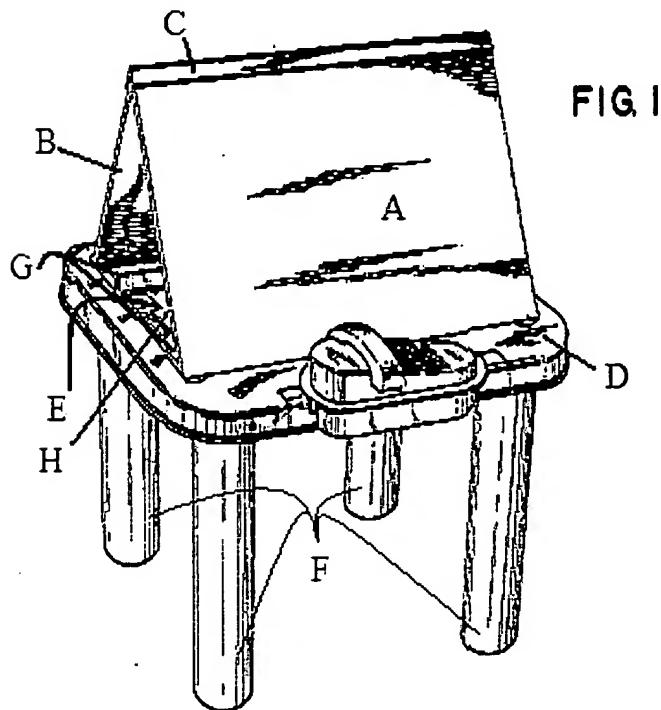


Exhibit 1: Monneret '573 Figures 1 and 2

19. Claims 17, 21-27, 30, and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai (US Patent Number 6349939).

20. Regarding claims 17 and 34, Tsai (Figures 2, 4, 13, and 17) discloses a table usable as a desk comprising an upper surface (80), wherein said upper surface is further comprised of a first surface (leftmost element 82 as seen in Figure 13) made of a first material and having a first edge, a second edge, a third edge and a fourth edge, a

second surface (rightmost element 82 as seen in Figure 13) made of a second material (the first and second materials are not specifically disclosed, and may or may not be the same material) and having a first edge, a second edge, a third edge and a fourth edge, wherein said first edge of first surface being attached to said first edge of said second surface by a hinged mechanism (middle element 82 as well as elements 85); a frame (of elements 40, 60) comprised of a rectangular surface having a substantially rectangular concentric hole (in the center of the assembly, formed by the walls of 40, 60), top, bottom, a first inner edge, first outer edge, second inner edge, second outer edge, third inner edge, third outer edge, fourth inner edge and fourth outer edge; four support members (32), wherein each said support member has a first and a second end and each said first end of each said member is in contact with the ground and each said second end of each said member is in contact with said frame; at least one storage tray (viewed as the lower horizontal surface of 40) removably contained below said frame; and at least two cross members (two rails formed on the inside of element 60, see Figure 2), each of said members having a first end, a second end, an inner surface, a top end and a bottom end, wherein each said first end and each said second end of each said cross member is connected to said bottom of said frame and capable of supporting the weight of said upper surface.

21. Regarding claim 21, Tsai further discloses said at least two cross members are positioned substantially parallel with each other and with said second inner edge.

22. Regarding claim 22, Tsai further discloses said support members connect to said bottom of said frame near the intersection of two connecting inner edges of said frame.

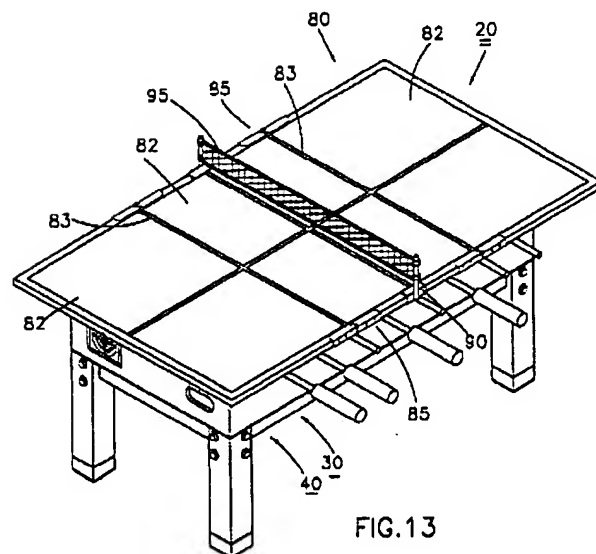
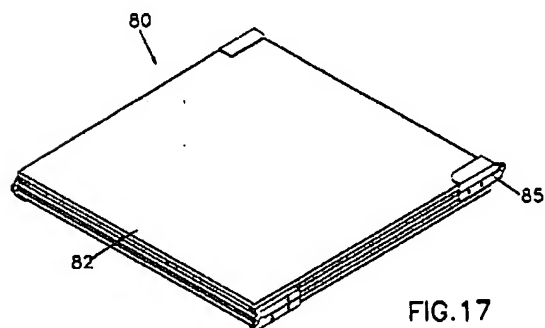
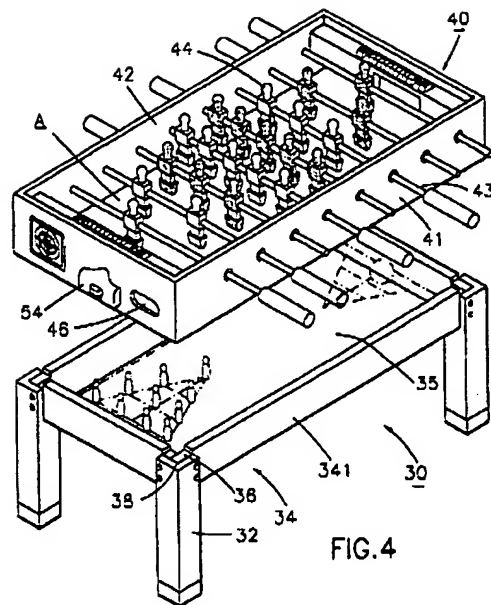
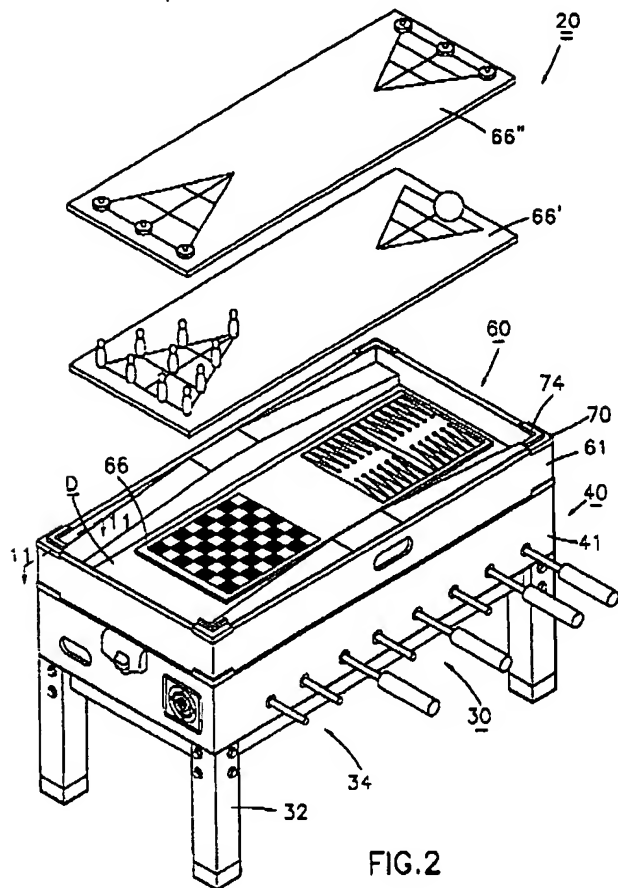
23. Regarding claims 23-25, Tsai further disclose decorative and gameboard designs (57, 66, lines on 80, etc.) on the frame and upper surface.

24. Regarding claim 26, Tsai further discloses a lower surface (lower horizontal surface of 40) attached to said bottom of said frame to provide a storage compartment contained within said frame and covered by said upper surface.

25. Regarding claim 27, Tsai further discloses at least one additional support member (341) having a first end and a second end, wherein said first end is connected to one of said four support members and said second end is connected to another of said four support members.

26. Regarding claim 30, Tsai further discloses at least one storage tray (viewed as the lower horizontal surface of 40) removably contained below said frame.

27. Regarding claims 32 and 33, Tsai further discloses said four support members are connected perpendicularly to said frame (and accordingly at an angle between 90 and 145 degrees).



Tsai '939 Figures 2, 4, 13, and 17

28. Claims 17, 21, 22, 28, 29, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Benlian (US Patent Number 3246611). Benlian (Figure 1) discloses a desk comprising an upper surface (48, 50), wherein said upper surface is

further comprised of a first surface (48) made of a first material and having a first edge, a second edge, a third edge and a fourth edge, a second surface (50) made of a second material (the first and second materials are not specifically disclosed, and may or may not be the same material) and having a first edge, a second edge, a third edge and a fourth edge, wherein said first edge of first surface being attached to said first edge of said second surface by a hinged mechanism (at 52); a frame (12, 14, 16, 18, 20, 22, etc.) comprised of a rectangular surface having a substantially rectangular concentric hole (formed by the frame members), top, bottom, a first inner edge, first outer edge, second inner edge, second outer edge, third inner edge, third outer edge, fourth inner edge and fourth outer edge; four support members (34), wherein each said support member has a first and a second end and each said first end of each said member is in contact with the ground and each said second end of each said member is in contact with said frame; and at least two cross members (44, 46), each of said members having a first end, a second end, an inner surface, a top end and a bottom end, wherein each said first end and each said second end of each said cross member is connected to said bottom of said frame (via members 24, 26) and capable of supporting the weight of said upper surface.

29. Regarding claim 21, Benlian further discloses said at least two cross members are positioned substantially parallel with each other and with said second inner edge.

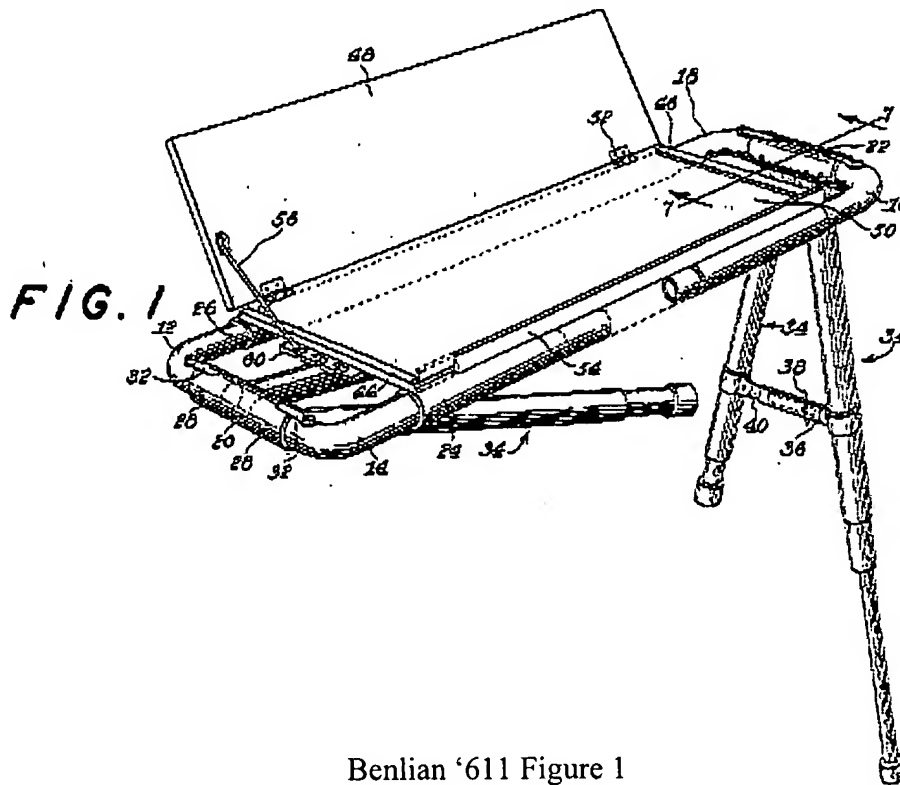
30. Regarding claim 22, Benlian further discloses said support members connect to said bottom of said frame near the intersection of two connecting inner edges of said frame.

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31. Regarding claim 28, Benlian further discloses each of said four support members is hingedly attached to said frame.

32. Regarding claim 29, Benlian further discloses said second inner edge of said frame and fourth inner edge of said frame have a recessed opening (outside of members 44 and 46) protruding through both said top and bottom of said frame.

33. Regarding claims 32 and 33, Benlian further discloses said four support members are connected perpendicularly (at least in one plane) to said frame (and accordingly at an angle between 90 and 145 degrees).



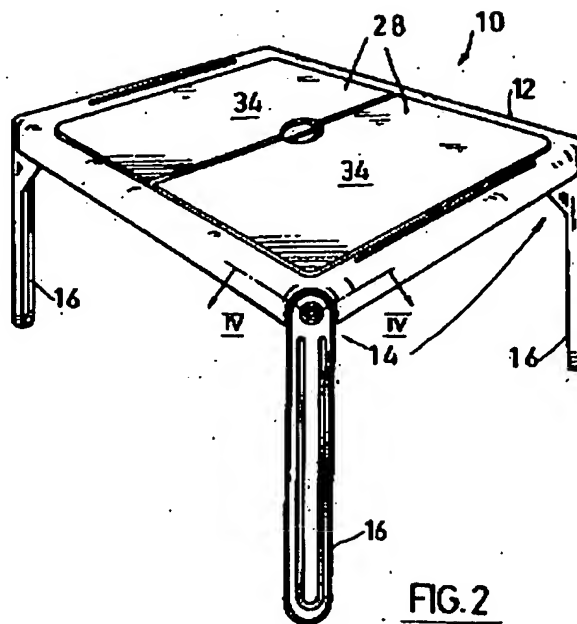
Benlian '611 Figure 1

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

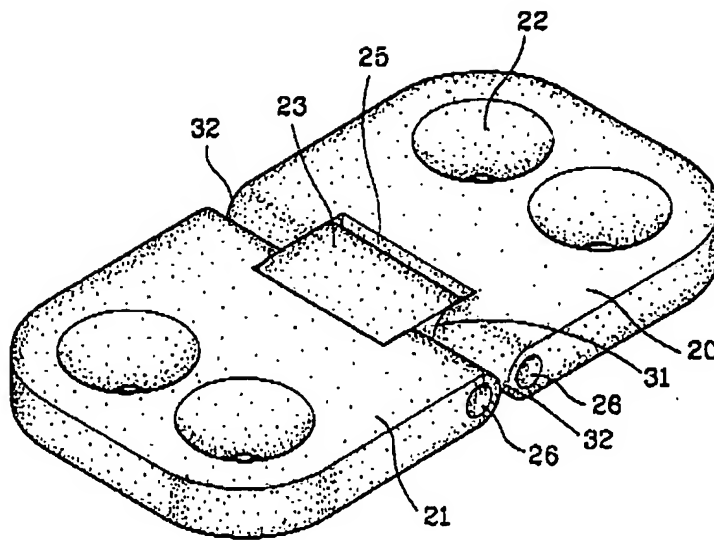
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benlian in view of Hackwood et al. (US Patent Number 5244271). Benlian discloses a desk as recited in claim 17 but does not disclose a material for his first and second surfaces. Hackwood (Figure 2) discloses a desk with first and second surfaces (28) selected from the group consisting of blackboard, whiteboard, slate, dry erase or corkboard (specifically blackboard and whiteboard, see column 5 lines 4-11). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use blackboard or whiteboard for Benlian's first and second surfaces as taught by Hackwood because this would allow the surfaces of the desk to be used for writing and conveying information directly.



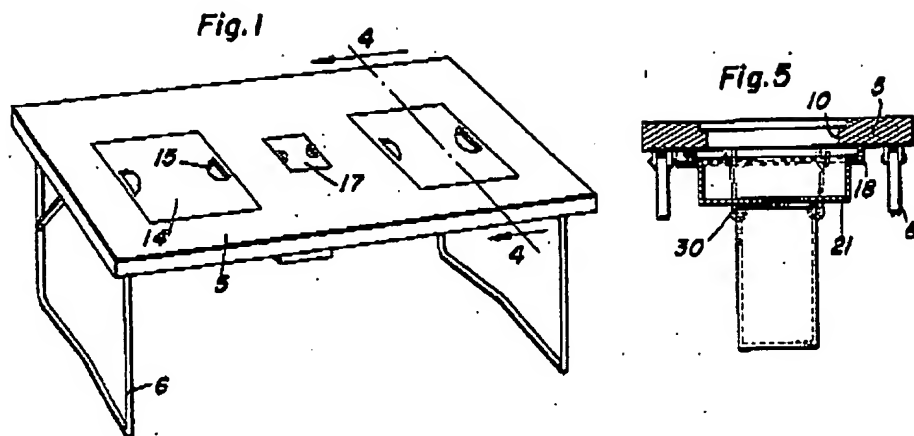
Hackwood '271 Figure 2

36. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monneret in view of Cheng (US Patent Number 5659929). Monneret discloses a desk as recited in claim 17 but does not disclose specifics of his hinge mechanism. Hinge mechanisms capable of 360 degree rotation are known in the art however, as shown by Cheng who (Figure 5) discloses such a mechanism. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a hinge mechanism as taught by Cheng in Monneret's desk because it would allow a user to set the two surfaces at any angle relative to each other as desired.



Cheng '929 Figure 5

37. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benlian in view of Brenny (US Patent Number 2683639). Benlian discloses a desk as recited in claim 17 including substantially parallel cross members, but does not disclose a storage tray below his frame. Brenny (Figures 1 and 5) discloses a table/desk including a storage tray (21) removably contained below a frame with substantially parallel cross members (opposite arms 18) comprising a protruding ridge (19) along inner surfaces which allow for the receipt of the at least one storage tray. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a storage tray as taught by Brenny in Benlian's desk because of the extra storage such a tray could provide.



Brenny '639 Figure 1 and 5

Conclusion

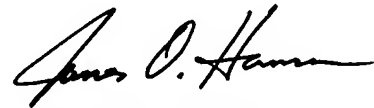
38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Crane (US Patent Number 5360264) and Johnson (US Patent Number 4341164) references are cited for disclosing various aspects of the invention of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG
8/15/2006


JAMES O. HANSEN
PRIMARY EXAMINER